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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,442	07/26/2000	Patrick Siu-ying Hung	CP0001US	8356

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EXAMINER
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ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/625,442	HUNG, PATRICK SIU-YING	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-13 and 16-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-13 and 16-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). ____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is responsive to the paper(s) filed 6/11/03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 5, 7, 11, 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mankovitz et al (US5523794).** Mankovitz et al teaches a portable coupon device (portable data coupon) that wirelessly receives data to be stored in the device. The data can then be processed and displayed by the user buttons. The device can display stored coupons as barcodes which are taught to be capable of being scanned as an actual UPC at a point of sate (POS) [fig 1a, 1b].

Regarding claims 1, 5, 11, the device has a wireless receiver 16, processor, RAM and ROM memory, program and display [fig 2]. At least the display driver program [col 4 lines 19-25] manipulates the stored coupon data to render a barcode on the display. Regarding the "means for improving" the [scanning], such is met by the inherent characteristics of Mankovitz et al's LCD display. Applicant acknowledges that LCD displays inherently provide a strobe rate and persistence level. Mankovitz et al's strobe rate and persistence level inherently are of sufficient magnitudes to make the invention work; the displayed barcodes can be scanned with a scanning device.

Mankovitz et al's performance is taken to be an *improved* performance over an LCD having lower strobe rates and/or persistence levels. Applicant's claim 11 further defines the "means for improving" [scanning] by describing the persistence as "sufficient...for scanning." The same applies for Mankovitz et al; there are "sufficient" levels of inherent persistence and inherent strobe rate to enable scanning of the displayed barcodes.

Regarding claims 7, 16, Mankovitz et al teaches that the source coupon data is encrypted to ensure that only authorized portable data coupons (portable coupon devices 10) can use the coupons/data [col 5 lines 36-40]; the portable coupon devices 10 must inherently provide decryption of the received decrypted data in order for the coupon devices 10 to provide the authorization security described by Mankovitz et al.

Regarding claim 8, Mankovitz et al teaches that different coupon formats can be displayed [col 5 lines 45-53].

Regarding claims 17, 20, Mankovitz et al teaches that user/device information is provided in the device memory as a deviceID or userID or PIN for authentication. This data is used along with the coupon data to render an authenticated device's coupons [col 5 lines 14-17, col 7 lines 56-60]. Further, Mankovitz et al teaches that images of the user (user data) may be transmitted to the device and stored for later use.

Regarding claim 18, 19, the data can be recalled later to display barcodes that are scanned at the POS [col 8 lines 35-41].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-4, 6, 8, 9, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz et al.

Regarding claims 2-4, 9, 12, 13, Mankovitz et al teaches an LCD display 22 [col 4 lines 25-27]. Official Notice is taken that it is well known to provide displays with various levels of visual clarity by manipulating pixel resolution and sizing as well anti-reflective contrast coatings. It would have been obvious to one of ordinary skill at the time of the invention to have provided any type of well known LCD display having sufficient pixel resolution and sizing as well as well known contrast features such as anti-reflective coatings in order to provide a display of sufficient clarity so that a displayed barcode was capable of being scanned. Further, the plurality of values for each of the various display characteristics disclosed as various operative examples suggests a lack of criticality regarding those characteristic values. One of ordinary skill would have been clearly motivated to routinely experiment with such display characteristics in the display design so that the barcodes were displayed with sufficient clarity so that they can be operatively scanned at the POS. Further, applicant states that displays of lower resolution/quality can still be used with success with scanning

systems which require less resolution. Scanning a displayed barcode is the intent of Mankovitz et al and it would have been obvious to one of ordinary skill at the time of the invention to have provided sufficient resolution/contrast/clarity for the particular requirements of the scanning hardware. Regarding claim 9, the "sufficiently high" strobe rate is met by Mankovitz et al similar to claim 11.

Regarding claim 6, Mankovitz et al does not specify the particular file structure for the stored data, yet it would have been obvious to one of ordinary skill at the time of the invention to have to have used any type of file structure, including related or hierarchical file structure as is well known. The particular file structure chosen lacks criticality with respect to the device operation.

Regarding claim 8, applicant acknowledges that there are a plurality of known barcode standards such as UPC, UCC?EAN-128, etc. Mankovitz et al teaches that a single coupon's data can be represented in two formats - alphanumeric, which is easily understandable by humans, and barcode - easily understandable by machines. It would have been obvious to one of ordinary skill at the time of the invention to have provided the ability for the device of Mankovitz et al to convert the coupon data into several barcode formats so that scanning hardware requiring a particular barcode format could read the coupons and the coupons could be accepted by systems employing different barcode formats.

Response to Arguments

6. Applicant's arguments filed 6/11/03 have been fully considered but they are not persuasive. Applicant argues that Mankovitz et al does not provide a means for improving scan rate. As stated above, Mankovitz et al provides "sufficient" strobe rate and "sufficient" persistence so that the displayed coupons can be read with the scanning hardware. Claims 9 and 11 indicates that "sufficient" persistence and "sufficient" strobe rate provide such a "means."

Applicant argues that Mankovitz et al does not provide decryption in the portable device. Mankovitz et al teaches that the source coupon data is encrypted to ensure that only authorized portable data coupons (portable coupon devices 10) can use the coupons/data [col 5 lines 36-40]; the portable coupon devices 10 must inherently provide decryption of the received decrypted data in order for the coupon devices 10 to provide the authorization security described by Mankovitz et al.

Applicant argues that Mankovitz et al does not teach the specific physical display properties and argues that Mankovitz et al does not "improve" the display. As stated above, one of ordinary skill would have been clearly motivated to routinely experiment with known display characteristics in the display design so that the barcodes were displayed with sufficient clarity so that they can be operatively scanned at the POS. Further, applicant discloses that displays of lower resolution/quality can still be used with success with scanning systems which require less resolution. Scanning a displayed barcode is the intent of Mankovitz et al and it would have been obvious to one of ordinary skill at the time of the invention to have provided sufficient

resolution/contrast/clarity for the particular requirements of the scanning hardware to be used.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc